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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,301	09/24/2003	Tomohiro Azami	25724	3824
20529	7590	09/20/2007		
NATH & ASSOCIATES 112 South West Street Alexandria, VA 22314			EXAMINER SWEARINGEN, JEFFREY R	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,301

Applicant(s)

AZAMI, TOMOHIRO

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20070126.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/19/07 have been fully considered but they are not persuasive.
2. Applicant removed the hyperlinks from the specification. However, it is still unclear to one of ordinary skill in the art what Applicant's invention is from either the specification or the claims. Applicant shed no new light on the invention in the remarks of 6/19/07 to assist in prosecution.
3. In response to applicant's arguments, the recitation *constituting a structured data having a tree structure described in an extensible markup language* has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Aaker et al. (US 5,815,516).
6. In regard to claims 1, 7, 12-16, 22, 27-28, Aaker disclosed:
receiving means for receiving the fragment data and the fragment data configuration information and outputting them; column 3, lines 33-45

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fragment data storing means for storing the fragment data output from said receiving means; column 3, lines 33-45

structured data storing means for storing the structured data; column 3, lines 33-45 and

structured data concatenating means for concatenating predetermined fragment data, read from said fragment data storing means, into the structured data read from said structured data storing means, based on the position information and the reference information included in the fragment configuration information output from said receiving means. Column 3, lines 42-45

As best understood from the current translation, Applicant claimed the alteration and insertion of a packet header to a packet, which is taught in Aaker.

7. In regard to claims 2, 8, 17, 23, Aaker disclosed:

said position information is position information having information specifying a node in the structured data and information specifying a connection position of the corresponding fragment data in relation to the specified node. Column 5, lines 15-34

8. In regard to claims 3, 9, 18, 24, Aaker disclosed:

the information specifying the connection position of the corresponding fragment data in relation to the specified node is

either information specifying a position, which is at the same level of hierarchy as that of the specified node in relation to a node that is one higher level of hierarchy than that of the specified node and which immediately precedes the specified node, as the connection position of a highest level node of the corresponding fragment data,

or information specifying a position, which is a position at one level lower than that of the specified node and which is the last node at the lower level, as the connection

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position of the highest level node of the corresponding fragment data. column 4, lines 42-47

9. In regard to claims 4, 10, 19, 25, Aaker disclosed:

wherein the reference information has information on contents of the corresponding fragment data and

wherein said structured data concatenating means concatenates the fragment data into the structured data, said fragment data being determined to be concatenated based on the information on the contents. Column 4, lines 49-56, where the header is based upon the checksum of the packet.

10. In regard to claims 5, 11, 20, 26, Aaker disclosed:

wherein the reference information includes information on a name of a highest level node of the corresponding fragment data and

wherein said structured data concatenating means processes the position information based on the information on the name of the highest level node. Column 4, lines 49-56

11. In regard to claims 6, 21, Aaker disclosed:

wherein the fragment data configuration information has information on a method for processing the fragment data

wherein, for a part of the fragment data, fragment update data is received instead of the fragment configuration information corresponding to the fragment data, said fragment update data being created by adding the information on the fragment data processing method and the position information on a connection position in the structured data to the fragment data, column 5, lines 47-65

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wherein said receiving means receives the fragment data, the fragment data configuration information, and the fragment update data and outputs them and column 5, lines 41-46

wherein, based on the information on the processing method included in the fragment update data output from said receiving means, said structured data concatenating means also has a function that concatenates the fragment data, included in the fragment update data, into the structured data. column 5, lines 35-46

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watts, Jr. et al.

US 6,836,890 B1

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Cardone
Supervisory Patent Examiner
Art Unit 2145

JRS

A handwritten signature in black ink, reading "Andrew Caldwell". The signature is fluid and cursive, with the first name "Andrew" and last name "Caldwell" clearly distinguishable.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER